

EXHIBIT 36

Biller, Arthur

From: Eaton, Mary
Sent: Monday, August 05, 2013 8:52 PM
To: 'Lawrence, J. Alexander'
Cc: Kerr, Charles L.; Baio, Joseph; James, Emma
Subject: RE: In re Residential Capital LLC

Alex,

Forgive me, but I don't see the response on Mr. Lipps. Have you produced his work papers?

Mary

From: Lawrence, J. Alexander [<mailto:ALawrence@mofo.com>]
Sent: Monday, August 05, 2013 8:48 PM
To: Eaton, Mary
Cc: Kerr, Charles L.; Baio, Joseph; James, Emma
Subject: RE: In re Residential Capital LLC

Mary,

When we refer to the schedules, we are referring to the schedules that are part of Dr. D'Vari's declaration. See Docket No. 3929-5, Schedules 1-9.

We did respond with respect to Mr. Lipps. See below.

Regards,

Alex.

From: Eaton, Mary [<mailto:meaton@willkie.com>]
Sent: Sunday, August 04, 2013 10:38 AM
To: Lawrence, J. Alexander
Cc: Kerr, Charles L.; Baio, Joseph; James, Emma
Subject: RE: In re Residential Capital LLC

Alex,

Thank you for your response below. Please note that we consider this production to be untimely and reserve all of our rights. Also, would you please clarify what you mean by "schedules." It is unclear.

Additionally, we note that your response does not answer our inquiry about Mr. Lipps. When will your response on that be forthcoming?

Regards,
Mary

From: Lawrence, J. Alexander [<mailto:ALawrence@mofo.com>]
Sent: Friday, August 02, 2013 6:59 PM
To: Eaton, Mary

Cc: Kerr, Charles L.; Baio, Joseph; James, Emma
Subject: RE: In re Residential Capital LLC

Mary,

We have confirmed that all of the facts and data considered by NewOak in its analysis for the Debtors was previously produced.

The historical data was gathered from Intex and, where Intex did not provide historical trend reporting for any particular deal, the source of the previously-produced historical data is a publicly available third-party report, which we will be sending to you. To the extent that NewOak's analysis relied on any data from that publicly available third-party report, it was included in the prior production, and Dr. D'Vari did not otherwise rely on the report itself.

In addition, we will be sending you a spreadsheet that was used by NewOak in performing its analysis. All data and information relied upon in the analysis (i.e. the inputs and the outputs) were previously produced. Please note that the spreadsheet is designated **Highly Confidential**, and we trust that it will be treated accordingly and, among other things, not shared with any competitor of NewOak, including your clients.

Dr. D'Vari has no additional work papers other than perhaps drafts of his declaration and the schedules thereto, which are clearly outside of the scope of discovery.

Regards,

Alex

From: Eaton, Mary [<mailto:meaton@willkie.com>]
Sent: Thursday, August 01, 2013 6:08 PM
To: Lawrence, J. Alexander
Cc: Kerr, Charles L.; Baio, Joseph; James, Emma
Subject: RE: In re Residential Capital LLC

Alex,

I don't believe we received a response to this. As you know, the Court has made clear that, in addition to anything the expert relied upon or considered, all work papers must be produced whether or not the expert considered them in forming the opinions expressed. (See Hr'g Tr. at 16-17, 36-37.) Thank you for your prompt attention to this matter.

Mary

From: Eaton, Mary
Sent: Sunday, July 28, 2013 10:25 AM
To: 'Lawrence, J. Alexander'
Cc: Kerr, Charles L.
Subject: RE: In re Residential Capital LLC

Alex,

Please confirm that no documents have been withheld on any grounds (or if they have, that they have been logged, in which case kindly identify where they appear on your log. Please also confirm that Mr. Lipps and Mr. D'Vari have produced all of their work papers. Thanks.

Mary

From: Lawrence, J. Alexander [<mailto:ALawrence@mofo.com>]
Sent: Saturday, July 27, 2013 10:07 PM
To: Eaton, Mary
Cc: Kerr, Charles L.
Subject: RE: In re Residential Capital LLC

Mary,

It is not clear why you feel we are non-responsive. "We have produced all documents considered or relied on by Mr. Lipps and Dr. D'Vari consistent with Judge Glenn's directive."

Alex

From: Eaton, Mary [<mailto:meaton@willkie.com>]
Sent: Saturday, July 27, 2013 12:11 AM
To: Lawrence, J. Alexander
Cc: Kerr, Charles L.
Subject: Re: In re Residential Capital LLC

Alex,

That is non-responsive. Please answer our questions in a straightforward way (assuming you can) or -- consistent with the court's directive that we raise issues promptly -- we will take it up with the court Monday morning. Thanks and have a pleasant weekend.

Sent from my iPhone

On Jul 26, 2013, at 10:33 PM, "Lawrence, J. Alexander" <ALawrence@mofo.com> wrote:

Mary,

I believe Dr. D'Vari and Mr. Lipps were questioned extensively about what they considered or relied on during the course of their depositions. We have produced all documents considered or relied on by Mr. Lipps and Dr. D'Vari consistent with Judge Glenn's directive. Of course, Mr. Lipps discusses a number of court decisions that are available on public databases such as Westlaw and Lexis. Complete citations have been provided. We did not produce copies of those cases.

Regards,

Alex

From: Eaton, Mary [<mailto:meaton@willkie.com>]
Sent: Thursday, July 25, 2013 8:24 PM
To: Lawrence, J. Alexander; 'cshore@whitecase.com'; 'vanessa.soderberg@whitecase.com'; 'mcarney@McKoolSmith.com'; Abrams, Marc; Baio, Joseph; Shalhoub, Paul; James, Emma; Hardy, Jennifer; 'GUzzi@milbank.com'; 'pgoodman@McKoolSmith.com'; 'bumari@McKoolSmith.com'; Scott, Kennon; 'lbradley@whitecase.com'; 'GPapeika@milbank.com'; 'DODonnell@milbank.com'
Cc: Kerr, Charles L.; 'rlwynne@JonesDay.com'; 'Rebecca.Kahan@dechert.com'; 'keckstein@kramerlevin.com'; 'kotwick@sewkis.com'; 'munno@sewkis.com'; 'glenn.siegel@dechert.com'; 'pkauzman@kramerlevin.com'; 'michael.martinez@mayerbrown.com'; 'rmauceri@morganlewis.com'; 'jgarritty@morganlewis.com'; 'jgoodchild@morganlewis.com'; 'jrosenthal@morganlewis.com'; 'kit.weitnauer@alston.com'

'michael.johnson@alston.com'; 'william.hao@alston.com'; 'Mauricio.Espana@dechert.com'; 'hfsidman@JonesDay.com'; 'kmwaag@jonesday.com'

Subject: RE: In re Residential Capital LLC

Alex,

Please confirm that you have produced all documents regarding the anticipated testimony of Mr. Lipps and Mr. D'Vari consistent with the Court's directive today, and that no documents have been withheld on any grounds (or if they have, that they have been logged, in which case kindly identify where they appear on your log). Thank you.

Regards,
Mary

From: Lawrence, J. Alexander [<mailto:ALawrence@mofo.com>]

Sent: Saturday, July 20, 2013 3:08 PM

To: Eaton, Mary; 'cshore@whitecase.com'; 'vanessa.soderberg@whitecase.com'; 'mcarney@McKoolSmith.com'; Abrams, Marc; Baio, Joseph; Shalhoub, Paul; James, Emma; Hardy, Jennifer; 'GUzzi@milbank.com'; 'pgoodman@McKoolSmith.com'; 'bumari@McKoolSmith.com'; Scott, Kennon; 'lbradley@whitecase.com'; 'GPapeika@milbank.com'; 'DODonnell@milbank.com'

Cc: Kerr, Charles L.; 'rlwynne@JonesDay.com'; 'Rebecca.Kahan@dechert.com'; 'keckstein@kramerlevin.com'; 'kotwick@sewkis.com'; 'munno@sewkis.com'; 'glenn.siegel@dechert.com'; 'pkauferman@kramerlevin.com'; 'michael.martinez@mayerbrown.com'; 'rmauceri@morganlewis.com'; 'jgarrrity@morganlewis.com'; 'jgoodchild@morganlewis.com'; 'jrosenthal@morganlewis.com'; 'kit.weitnauer@alston.com'; 'michael.johnson@alston.com'; 'william.hao@alston.com'; 'Mauricio.Espana@dechert.com'; 'hfsidman@JonesDay.com'; 'kmwaag@jonesday.com'

Subject: RE: In re Residential Capital LLC

Mary,

As you correctly noted, the Scheduling Order provides that "[a]ny party seeking to introduce expert testimony at the Hearing shall provide expert declarations setting forth that testimony on or before Friday, July 19, 2013 at 5:00 p.m., Prevailing Eastern Time."

Both Mr. Lipps and Mr. D'Vari submitted detailed declarations long ago setting forth their testimony in support of the motion. Those declarations are attached.

With respect to "Rule 26(B)(2)," we assume you are referring to Rule 26(a)(2), which does not apply under Bankruptcy Rule 9014.

Regards,

Alex

From: Eaton, Mary [<mailto:meaton@willkie.com>]

Sent: Friday, July 19, 2013 8:17 PM

To: Lawrence, J. Alexander; 'cshore@whitecase.com'; 'vanessa.soderberg@whitecase.com'; 'mcarney@McKoolSmith.com'; Abrams, Marc; Baio, Joseph; Shalhoub, Paul; James, Emma; Hardy, Jennifer; 'GUzzi@milbank.com'; 'pgoodman@McKoolSmith.com'; 'bumari@McKoolSmith.com'; Scott, Kennon; 'lbradley@whitecase.com'; 'GPapeika@milbank.com'; 'DODonnell@milbank.com'

Cc: Kerr, Charles L.; 'rlwynne@JonesDay.com'; 'Rebecca.Kahan@dechert.com'; 'keckstein@kramerlevin.com'; 'kotwick@sewkis.com'; 'munno@sewkis.com'; 'glenn.siegel@dechert.com'; 'pkauferman@kramerlevin.com'; 'michael.martinez@mayerbrown.com'; 'rmauceri@morganlewis.com'; 'jgarrrity@morganlewis.com'; 'jgoodchild@morganlewis.com'; 'jrosenthal@morganlewis.com'; 'kit.weitnauer@alston.com'; 'michael.johnson@alston.com'; 'william.hao@alston.com'; 'Mauricio.Espana@dechert.com'; 'hfsidman@JonesDay.com'

'kmwaag@jonesday.com'

Subject: RE: In re Residential Capital LLC

Alex,

The Scheduling Order required "[a]ny party seeking to introduce expert testimony at the Hearing [to] provide expert declarations setting forth that testimony on or before Friday, July 19, 2013 at 5:00 p.m." We received no report by that deadline, let alone a report that conforms with the requirements of Rule 26(B)(2), or any of the underlying documentation. Accordingly, those witnesses – and any other purported "expert" who failed to provide an expert report in connection with objections to the 9019 Motion in accordance with Rule 26(B)(2) and the Scheduling Order -- are precluded from testifying as experts.

Regards,

Mary

From: Lawrence, J. Alexander [<mailto:ALawrence@mofo.com>]

Sent: Friday, July 19, 2013 7:17 PM

To: 'cshore@whitecase.com'; 'vanessa.soderberg@whitecase.com'; 'mcarney@McKoolSmith.com'; Eaton, Mary; Abrams, Marc; Baio, Joseph; Shalhoub, Paul; James, Emma; Hardy, Jennifer; 'GUzzi@milbank.com'; 'pgoodman@McKoolSmith.com'; 'bumari@McKoolSmith.com'; Scott, Kennon; 'lbradley@whitecase.com'; 'GPapeika@milbank.com'; 'DODonnell@milbank.com'

Cc: Kerr, Charles L.; 'rlwynne@JonesDay.com'; 'Rebecca.Kahan@dechert.com'; 'keckstein@kramerlevin.com'; 'kotwick@sewkis.com'; 'munno@sewkis.com'; 'glenn.siegel@dechert.com'; 'pkaufman@kramerlevin.com'; 'michael.martinez@mayerbrown.com'; 'rmauceri@morganlewis.com'; 'jgarrrity@morganlewis.com'; 'jgoodchild@morganlewis.com'; 'jrosenthal@morganlewis.com'; 'kit.weitnauer@alston.com'; 'michael.johnson@alston.com'; 'william.hao@alston.com'; 'Mauricio.Espana@dechert.com'; 'hfsidman@JonesDay.com'; 'kmwaag@jonesday.com'

Subject: In re Residential Capital LLC

All

The Debtors have previously designated Jeffrey Lipps and Ron D'Vari as expert witnesses.

The Debtors can make Mr. Lipps available at 10:00 am on Tuesday, July 23, 2013. Please let us know by Sunday whether anyone plans to take Mr. Lipps' deposition.

Although we need to reconfirm that he is available on this date, the Debtors hope to be able to make Ron D'Vari available at 9:00 am on Thursday, July 25, 2013. Please let us know by Monday whether anyone plans to take Mr. D'Vari's deposition.

Regards,

Alex.

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